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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHN JOSEPH CURRY,
12 Petitioner,

13 v.

14 ELDON VAIL,
15 Respondent.

Case No. C09-5144BHS

ORDER DIRECTING
SERVICE AND RETURN,
§ 2254 PETITION

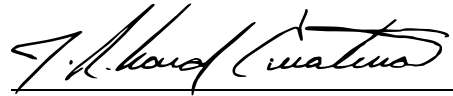
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17 (1) The clerk shall arrange for service by certified mail upon respondent and the Attorney
18 General for the State of Washington, copies of the petition, all documents in support thereof. All
19 costs of service shall be advanced by the United States. The Clerk shall assemble the necessary
20 documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order,
21 along with a copy of the Court's General Order regarding pro se litigation.

22 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an
23 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
24 Courts. As part of such answer, respondent(s) should state whether petitioner has exhausted
25 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
26 issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion in place of

1 an answer without first showing cause as to why an answer is inadequate. Respondent(s) shall
2 file the answer with the Clerk of the Court and serve a copy of the answer upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
4 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after
5 the answer is filed, petitioner may file and serve a response not later than on the Monday
6 immediately preceding the Friday appointed for consideration of the matter, and respondent may
7 file and serve a reply brief not later than on the Thursday immediately preceding the Friday
8 designated for consideration of the matter.

9 DATED this 14th day of April, 2009.

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12 J. Richard Creatura
13 United States Magistrate Judge
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